UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER TINKHAM ET EL.

            V   CIVIL ACTION NO: 05-10470 MLW

DOREEN R. KELLY ET AL.

MOTION FOR PAYMENT OF COSTS OF PERSONAL SERVICE

Plaintiffs, Peter Tinkham and Juliet Alexander, move this
Court for an order requiring Defendant Erica Cohen_____
to pay the costs of personal service, pursuant to Fed.R.Civ.
P., 4(d).

On June 1, 2005, Defendant __Erica Cohen_____ was served
with a notice of waiver, a copy of the Complaint, two forms
of waiver of service, and a stamped, addressed envelope
pursuant to Fed.R.Civ.P.,4(d). Defendant Erica Cohen_____
did not return the acknowledgement of receipt of Complaint
and failed to comply with the request for waiver within the
time specified in Fed. R.Civ.P., 4(d)(2)(F), necessitating
personal service of the Complaint and Summons.

Personal service on Defendant __Erica Cohen_____cost
$__155.00_____. In support of this motion, Plaintiffs submit
the attached, viz., copy of waiver, copy of summons served,
affidavit of Constable Stephen McGrath, and affidavit of
Plaintiff ~~Alexander~~
                    TINKHAM

Dated: August 11, 2005

                                    _Peter Tinkham_____
                                    Peter Tinkham, Pro se.
                                    P.O.Box 1075
                                    Easton, MA 02334
                                    207-364-3964
                                    207-585-2137

AO 398 (Rev. 12/93)

NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE OF SUMMONS

ATTACHMENT 7

TO: (A) _ERICA Cohen_

as (B) _____ of (C) _____

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the

(D) _Eastern Division_ District of _Massachusetts_
and has been assigned docket number (E) _05-10470 MLW_

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) _30_ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this _1st_ day of
June, _2005_.

Julie I Alexander
Signature of Plaintiff's Attorney
or Unrepresented Plaintiff

A—Name of individual defendant (or name of officer or agent of corporate defendant)
B—Title, or other relationship of individual to corporate defendant
C—Name of corporate defendant, if any
D—District
E—Docket number of action
F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

ᗃAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

_EASTERN DIVISION_____   District of .. _MASSACHUSETTS_

PETER TINKHAM

V.

DOREEN R. Kelly

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

05-10470 MLW

TO: (Name and address of Defendant)

ERICA COHEN
OSS AREA OFFICE
30 Mystic Street
ARlingtoN, MA 02474
781-641-8500

18 HAMiltoN Road
ARlingtoN
MAssachusetts)
781-646-5935

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Juliet Alexander AND Peter Tinkham
P.O. Box 466
Hopkinton
MAssachusetts
01748-9998

an answer to the complaint which is served on you with this summons, within __20__ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

(By) DEPUTY CLERK

3-11-05

DATE

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RETURN OF SERVICE

Service of the Summons and complaint was made by me[1]	DATE 7.27.05
NAME OF SERVER (PRINT) STEPHEN M. MCGRATH	TITLE DISINTERESTED PARTY

Check one box below to indicate appropriate method of service

☑ Served personally upon the defendant. Place where served: Dept. of Social Services Area Office 36 Mystic ST. - Arlington

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL 25.-	SERVICES 90.-	TOTAL $0.00 115.-

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on   7.27.05
                 Date

Signature of Server   Stephen M. McGrath

POB 204 Foxboro MA 02035
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.